

500.37328X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): YOKOGAWA, et al

Serial No.: 09/336,687

Filed: June 21, 1999

For: PLASMA PROCESSING SYSTEM AND METHOD

Group: 1763

Examiner: L. Alejandro



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RESPONSE

Commissioner for Patents
Washington, D.C. 20231

October 19, 2000

Sir:

The following remarks are respectfully submitted in connection with the above-identified application in response to the Office Action dated September 22, 2000.

The requirement for restriction to one of the inventions identified as invention I - claims 1-29, 31-36 and 50-53, drawn to a processing apparatus and invention II - claims 30, 37-49 and 54, drawn to an etching process, is traversed as being improper, and reconsideration and withdrawal of the restriction requirement are respectfully requested.

In setting forth the restriction requirement, the Examiner contends that inventions II and I are related by a process and apparatus for its practice, setting forth the

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requirements for showing distinctness in accordance with MPEP §806.05(e) which require that it shown that either (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. The Examiner contends "In this case the apparatus as claimed can be used to practice another and materially different process such as a deposition or a cleaning process." (emphasis added)

Turning to claim 1 of invention I, such claim recites "A plasma processing system for use with a surface processing apparatus...to achieve surface processing of the sample..." (emphasis added) and which claim includes the feature of high-frequency power applying means. Claim 30 of invention II is a dependent claim dependent upon claim 1 reciting the feature of "A plasma processing method for use with a plasma processing system in accordance with claim 1...to achieve surface processing of the sample." (emphasis added). While claim 30 particularly sets forth a frequency of the high-frequency power and a density to achieve surface processing of the sample, both claim 1 of invention I and claim 30 of invention II are directed to achieving surface processing of the sample and both claims may be considered generic to the Examiner's suggested "another and materially different process such as a deposition or a cleaning process" (emphasis added). As such,

in neither the apparatus as claimed in invention I or the process as claimed in invention II specifically recite deposition or a cleaning process, but rather, only recite surface processing of a sample which is the same process and not another and materially different process as claimed. Thus, applicants submit that the Examiner has failed to show distinctness in accordance with MPEP §806.05(e), such that the restriction requirement is improper, as stated, and should be withdrawn.

For the foregoing reasons, applicants submit that the restriction requirement should be withdrawn and all claims present in this application should be considered.

In order to provide a complete response to the restriction requirement, applicants provisionally elect, with traverse, invention I including claims 1-29, 31-36 and 50-53.

In view of the above amendments and remarks, applicants submit that all claims present in this application should now be in condition for allowance and issuance of an action of a favorable nature is courteously solicited.

Applicants request favorable action with respect to all claims present in this application.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this

paper, including extension of time fees, to Deposit Account No. 01-2135 (500.37328X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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